IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1379 OF 2007

Ajit Maruti Mane & Ors. .... Petitioners

Vs.

Kalyani Ashok Mohite & Anr. .... Respondents

Mr. Avinash B. Avhad for the Petitioners.

CORAM : D.B. BHOSALE, J.
DATE : 31ST JULY, 2007

P.C.

1) Heard learned Counsel for the Petitioners.

2) This Writ Petition challenges the judgment and order dated 19/1/2007 passed by the District Judge allowing the Miscellaneous Civil Appeal No. 17 of 2006 and setting aside the order dated 4/2/2005, passed by the Trial Court on the application at Exhibit 5. By that order, the defendants were directed not to obstruct the Plaintiffs from using the pipeline and electric connection in dispute.

2) Perused the judgment of the Appellate Court and more particularly paragraph no. 11 thereof. Considering the findings of fact and as I find sufficient material on record to sustain those findings and considering the extremely limited

jurisdiction of this Court under Article 227 of Constitution to disturb the findings of facts, this writ petition deserves to be dismissed. However, considering the overall facts and circumstances of the case, I deem it appropriate to direct the Trial Court to dispose of the suit within the time frame. Hence, the following order:

O R D E R

(i) This Writ Petition is dismissed.

(ii) The Trial Court shall endeavour to dispose of the Regular Civil Suit No. 65 of 2004 as expeditiously as possible and preferably within a period of 1 year from the date of receipt of this order.

(iii) The Trial Court shall decide the suit on merits in accordance with law and without being influenced by the observations made in the proceedings arising from the application at Exhibit 5.

(iv) Parties are directed to co-operate in disposal of the suit within the time stipulated.

(D.B. BHOSALE, J.)